

H. B. No. 40, a bill, to be entitled "An Act to amend Articles 5215 and 5216 of the Revised Civil Statutes of the State of Texas, 1925, relating to the fees that may be charged applicants by private employment agents in Texas, authorizing the Commissioner of Labor to prescribe the form of receipts, and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with recommendation that it do pass and be not printed.

SPEARS, Vice-Chairman.

Adjournment

On motion of Senator Spears, the the Senate, at 12:05 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

EIGHTH DAY

(Tuesday, October 12, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called, and the following Senators were present:

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Newton	Woodruff

Absent—Excused

Nelson

A quorum was announced present. The invocation was offered by the Chaplain.

On motion of Senator Head, and by unanimous consent, the reading of the Journal of the proceedings of yesterday, was dispensed with, and the Journal was approved.

Leave of Absence Granted

Senator Nelson was granted leave of absence for today, on account of illness, on motion of Senator Brownlee.

Petitions and Memorials

The President laid before the Senate, and had read, the following communication:

Austin, Texas,
October 12, 1937.

Hon. Walter Woodul, President of the Senate.

Austin, Texas.

Dear Governor: The Game and Fish Protective Association of Texas is now and has been circulating a statement, addressed to the Sportsmen of Texas, asserting, in effect, among other things, the following:

That the revenues of the Game Department have been greatly reduced by reason of unnecessary expense; that it is controlled by obnoxious evil forces; that unlawful items of expense have been placed in expense accounts; that gross extravagance exists; that the Commission and executive forces have abused the authority vested in them and have wasted the sportsmen's funds; and, with the help of three governors, the most vicious political machine existing anywhere in the United States has been molded together.

Individual citizens have made similar accusations against the operation of the Game Department under its present management. Many of these accusations have been made to the members of the Senate.

These charges and assertions cannot be permitted to go further without being challenged. If the charges are true, a majority of the Commission, together with the executive forces of the Department, should be forced to resign and honest men should succeed them. If the charges are untrue, this fact should be made known to the Texas Legislature and to the people of this State.

Mr. Gene Howe of Amarillo, Colonel Murrell L. Buckner of Dallas, Mr. C. G. Pillot of Houston, Mrs. Hal C. Peck of Amarillo, and myself, join in requesting the Texas Senate to adopt an appropriate resolution creating a committee with authority to make a thorough investigation of these charges and of the affairs of this Department to determine the truth-

fulness of these accusations. Mr. Dee Davenport of Mission, has not been requested to join in this request for the reason that he has just recently been appointed to membership on the Commission and is in no way responsible for existing conditions.

Sincerely yours,

A. E. WOOD, Chairman,
Game, Fish and Oyster
Commission.

The President laid before the Senate, and had read, a resolution of the Texas Real Estate Association, protesting diversion of any portion of the special county and district road indebtedness fund.

The President laid before the Senate a resolution of the Commissioners' Court of Young County relative to reimbursement of counties for fees paid certain county officers.

Communication from Board of Control

The President laid before the Senate, and had read, the following communication:

Austin, Texas,
October 8, 1937.

Hon. Walter F. Woodul, President of the Senate.

Austin, Texas.

Dear Mr. President: Under the law creating the Teachers Retirement System of Texas you will find Section 6, Paragraph 8, reads in part as follows:

"The State Board of Trustees shall elect from its membership a Chairman and shall by a majority vote of all its members appoint an Executive Secretary who shall not be of its members. Provided the Executive Secretary appointed under the provisions of this Act shall be confirmed by a two-thirds (2/3) vote of the Senate present and provided further that said Executive Secretary shall have been a citizen of Texas three (3) years immediately preceding his appointment."

On August 11, 1937 at a regular meeting of the State Board of Trustees, with all members present and voting Mr. S. M. Brown was duly elected as Executive Secretary and as Chairman of the State Board of Trustees I am authorized to submit Mr. S. M. Brown's name to the Sen-

ate for confirmation and approval as provided for by law.

Yours very truly,

(signed) CLAUDE D. TEER,
State Board of Trustees.

The communication was referred by the President to the Committee on Nominations of the Governor.

Reports of Standing Committee

Senator Woodruff submitted the following reports of the Committee on Finance:

Committee Room,
Austin, Texas,
October 11, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 3, A bill to be entitled "An Act making certain appropriations for the support and maintenance of the executive departments and agencies of the State government for the two-year period beginning September 1, 1937, and ending August 31, 1939, and for other purposes, and repealing Senate Bill No. 138, Acts of the 45th Legislature, Regular Session," etc.,

Have had said bill under consideration, and I am instructed to report same back to the Senate, with the recommendation that it do not pass, but that Committee Substitute in lieu thereof do pass, and be not printed.

WOODRUFF, Vice-Chairman.

Committee Room,
Austin, Texas,
October 12, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred Senate Concurrent Resolution No. 3,

Have had same under consideration, and I am instructed to report said resolution back to the Senate, with the recommendation that it do pass, and be not printed.

WOODRUFF, Vice-Chairman.

Invitation Extended

Senator Moore, on behalf of the Business and Professional Women's

Club of Houston, extended the Senate an invitation to attend a dinner to be held in the City of Houston on October 21, 1937.

Senator Small moved that the Senate express its thanks for the invitation and that those Senators able to attend the dinner notify Senator Moore to that effect.

The motion prevailed.

Message From the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
October 12, 1937.

Hon. Walter F. Woodul, President
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 63, A bill to be entitled "An Act providing the time when mourning doves and white-winged doves may be shot in Dewitt, Gonzales, Guadalupe, Comal, Wilson, Karnes, Lavaca, Fayette Counties, fixing the bag limit and possession limit of same, fixing the hours for shooting and making regulations for shotguns that may be used for shooting migratory birds and other game birds; providing a penalty for the violation of any such regulations; repealing all laws in conflict with any section of this Act, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 6 on First Reading

The following bill was introduced, read first time, and referred to the Committee on State Affairs:

By Senator Burns:

S. B. No. 6, A bill to be entitled "An Act amending Chapter 148 of the General Laws passed by the 42nd Legislature at its Regular Session in 1931, by adding thereto a new section to be called Section 2-b legalizing, approving and validating bonds voted by any city having a population of not less than 1525 and not

more than 1550 according to any Federal census, and by any city having a population of not less than 4400 and not more than 4500 according to any Federal census, for the purpose of park improvements in and for such city and for the levy of the tax in payment of such bonds under authority of Chapter 148 of the General Laws passed by the 42nd Legislature at its Regular Session; authorizing the governing body of any such city to adopt all orders, resolutions and ordinances and to do all and further acts necessary in the issuance and sale of such bonds; authorizing such governing body to levy a direct general ad valorem tax on all taxable property in said city for the purpose of paying the interest on and principal of such bonds; enacting provisions incident and necessary to the subject and purpose of this Act; and declaring an emergency."

House Bill on First Reading

The following bill, received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 63, to the Committee on Game and Fish.

Senate Resolution No. 14

Senator Pace offered the following resolution:

Whereas, The Game and Fish Protective Association of Texas is now circulating a statement addressed to the Sportsmen of Texas, copies of which have been delivered to various members of the Senate, and in said statement, among other things, it is asserted that unnecessary employees are being used in the Game, Fish and Oyster Department; that a large part of the assistant directors could be abolished without placing additional burden upon any employee; that the revenues of the Department have been greatly reduced by reason of unnecessary overhead expenses; that the Department is controlled by obnoxious evil forces; that the executive forces have sent game wardens into the field to take the wild life of this State in order to furnish food for a political banquet; that unlawful items have been placed in expense accounts; that gross extravagance exists in the affairs of the Department; that the Commission and executive

forces have abused the authority vested in them and have wasted the sportsmen's funds; that, with the help of three Governors, the Commission has molded together the most vicious political machine existing anywhere in the United States; that game and game birds have been purchased or trapped and distributed to political friends free of cost while the honest bird hunters have had to dig down in their pockets to pay for their game; and, finally, that if given a chance in 1938, the association will reveal more of these deplorable conditions, and

Whereas, Individual citizens of the State have made similar charges to the members of the Senate, to other individuals and to the public in general, and

Whereas, The Game, Fish and Oyster Commission has requested the Senate to make an immediate investigation of the charges brought against it and its employees to the end that those making the charges might have an opportunity and be required to prove their assertions and representations, and to the further end that the Senate of Texas and the public in general might know whether such charges are true or false, now, therefore, be it

Resolved, by the Senate of Texas, That an investigating committee be and the same is hereby created to make a thorough and complete investigation of these charges and the affairs of the Game, Fish and Oyster Commission and its operations; that such committee shall be composed of three members who shall be appointed by the President of the Senate, and, be it further

Resolved, That this committee shall have authority to subpoena any and all witnesses deemed necessary by it to appear and testify before the committee at any time and place designated by the committee, and, be it further

Resolved, That the committee shall have access to all books, records, and files of the Game, Fish and Oyster Commission, or any other records relating to this Department of the State Government, and, be it further

Resolved, That the committee shall have authority to make rules and regulations for the conduct of its work and is hereby authorized to employ such help and assistants as the committee may deem proper or necessary.

The compensation and expenses herein provided for incident to the work of such committee shall be paid out of the appropriation for mileage and per diem and contingent expenses of the regular or any called session of the Forty-fifth Legislature, upon sworn account of the person entitled to such pay, when approved by the chairman of said committee, and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of the said Forty-fifth Legislature to meet the payment of such per diem and expenses of the members of said committee; witnesses, fees, and other expenses incident to said investigation; and, be it further

Resolved, That this committee report to this session of the Legislature, if possible, or to some subsequent session of this Legislature, or to the Regular Session of the Legislature which will convene in January, 1939, such final report of the committee to be in printed form, a copy thereof to be furnished to the Governor, the Lieutenant Governor, to the Chairman of the Game, Fish and Oyster Commission, the Secretary of State, and a copy to be furnished to each member of the Senate. Additional copies may be printed by the committee for general distribution.

The resolution was read and was transmitted to the President's table.

Senate Concurrent Resolution No. 4

Senator Redditt offered the following resolution:

Whereas, In the District Court of Angelina County, Texas, B. K. Brewer and Mrs. B. K. Brewer, as plaintiffs therein, filed suit against Angelina County; and

Whereas, The alleged cause of action grew out of the construction of a section of State Highway No. 40 in Angelina County, Texas, said plaintiffs therein claiming their property was damaged because of the construction of said highway; and

Whereas, The said B. K. Brewer and Mrs. B. K. Brewer desire to make the State of Texas and/or the State Highway Department of Texas a party to said suit in order to establish their claims and recover against the State of Texas because of the damages to said property; and

Whereas, Under the law a suit can-

not be maintained against the State of Texas without the consent of the Legislature; and

Whereas, The Legislature desires to grant permission to B. K. Brewer and Mrs. B. K. Brewer to make the State of Texas and/or the State Highway Department a party to said suit, and to prosecute said suit to a final conclusion upon their claim for damages, if any they suffered, in a court of competent jurisdiction in Angelina County, Texas; now, therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That the said B. K. Brewer and Mrs. B. K. Brewer be and they are hereby granted permission to make the said State of Texas and/or the State Highway Department a party to said suit to establish their claims, if any, and recover their damages, if any, because of alleged damages of said property, in any court of competent jurisdiction in Angelina County, Texas, and that said suit shall not become barred until two (2) years from the effective date of this Act; and that service of process shall be had upon the Attorney General of the State of Texas, with the same force and effect as in civil cases; and that said suit shall be tried and determined in the trial and appellate Courts according to the same rules of law and procedure as to liability and defense of the State of Texas that would be applicable and available if such suit were brought against any private corporation as provided by the laws of this State.

The resolution was read and was referred by the President to the Committee on State Affairs.

Message From the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
October 12, 1937.

Hon. Walter F. Woodul, President
of the Senate.

Sir: I am directed by the House to inform the Senate that the House

has adopted the Conference Committee Report on H. B. No. 31 by a vote of 123 yeas and 11 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Report of Conference Committee on House Bill No. 31

Senator Weinert submitted the following report of the Conference Committee on H. B. No. 31:

Committee Room,
Austin, Texas,
October 11, 1937.

Hon. Walter F. Woodul, President of
the Senate; Hon. Robt. W. Calvert,
Speaker, House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the Senate and the House of Representatives on House Bill No. 31, have had the same under consideration and recommend that it do pass in the form and text attached hereto.

WEINERT,
MOORE,
SULAK,
VAN ZANDT,
ONEAL,

On the part of the Senate.

JONES of Falls,
ANDERSON,
ALSUP,
KNETSCH,
BOETHEL,

On the part of the House.

C. S. H. B. No. 31, A bill to be
entitled:

An Act providing the time when mourning doves and white-winged doves may be shot in this State; making certain exceptions; fixing the bag limit and possession limit of same; fixing the hours for shooting and making regulations for shotguns that may be used for shooting migratory birds and other game birds; providing a penalty for the violation of any such regulations; repealing all laws in conflict with any section of this Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The open season for taking mourning doves and white-winged doves in this State shall be as follows: In Yoakum, Terry, Lynn, Garza, Kent, Stonewall, King, Cottle, and Childress Counties and in all counties north and west thereof, and in the counties of Cooke, Grayson and Fannin, Hardeman, Foard, Knox, Wilbarger, Baylor, Wichita, Archer, Young and Clay, during the period September 1st to October 31st. In the remainder of the State the open season shall be during the period September 15th to November 15th, except that in that portion of the State lying south of the south right of way line of the Texas-Mexican railroad which runs from Laredo to Corpus Corpus (but this exception shall not apply in Webb and Zapata Counties) it shall be lawful to hunt, take, or kill mourning doves or white-winged doves only on each Sunday, Tuesday, Thursday and Saturday from September 15th to November 15th of each year, and on no other days.

Section 2. It shall be unlawful for any person to take more than fifteen (15) mourning doves or more than fifteen (15) white-winged doves or an aggregate of more than fifteen (15) of both species during any one day, and it shall be unlawful for any person to have in possession at any one time more than one day's limit of such birds.

Section 3. It shall be unlawful to hunt mourning doves or white-winged doves during the open season provided for hunting same, except during the hours from 7:00 a. m. to sunset.

Section 4. It shall be unlawful to hunt or shoot mourning doves, white-winged doves, or any migratory bird, or any other game bird of this State with a shotgun larger than ten-gauge and that is capable of holding more than three (3) shells at one loading, including the shell that may be held in the chamber of such gun, and providing that if a magazine-loading gun is used and the magazine of such gun would otherwise hold more than two (2) shells, before such gun is used it shall be permanently plugged so that such magazine will be rendered incapable of holding more than two (2) shells.

Section 5. Any person who takes or attempts to take any mourning dove or white-winged dove at any time other than the open season provided in this Act for taking same, or any person who otherwise violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50) and each bird taken or possessed in violation of any provision of this Act shall constitute a separate offense.

Section 6. All laws or parts of laws of this State in conflict with any provision of this Act, and specifically all of the laws of this State fixing an open season for taking mourning doves or white-winged doves and bag limits or possession limits for taking same, be and the same are hereby repealed to the extent of such conflict only.

Section 7. The fact that the mourning dove and white-winged dove regulations for the year 1937 are in conflict with the Federal regulations and are thereby depriving legitimate harvesting of the mourning dove and white-winged dove supply creates an emergency and an imperative public necessity that the Constitutional Rule requiring all bills to be read on three several days in each House be suspended and the same is hereby suspended, and this Act shall be in full force and effect from and after its passage, and it is so enacted.

Senator Weinert moved that the report be adopted.

The motion prevailed by the following vote:

Yeas—27

Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Newton	Winfield
Oneal	Woodruff
Pace	

Nays—3

Aikin Isbell
Beck

Absent—Excused

Nelson

Report of Standing Committee

Senator Small, by unanimous consent, submitted at this time the following report:

Austin, Texas,
October 12, 1937.

Hon. Walter Woodul, President of the Senate.

Austin, Texas.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 37, Requesting the State Highway Department to designate a special agent who shall at all times be available in Hutchinson County for the purpose of issuing such permits in compliance with the terms of Article 6701a, R. C. S. of Texas,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

(President Pro Tempore Shivers in the Chair temporarily.)

(President in the Chair.)

Committee Substitute for Senate Bill No. 3 on Second Reading

Senator Woodruff moved that Committee Substitute for Senate Bill No. 3 be set as a special order for tomorrow, immediately after conclusion of the morning call on that day.

Senator Small moved as a substitute that the regular order of business be suspended to take up Committee Substitute for Senate Bill No. 3 and have it placed on its second reading and passage to engrossment.

(President Pro Tempore Shivers in the Chair temporarily.)

(President in the Chair.)

Senator Rawlings moved the previous question on the motion and the

substitute motion, and the main question was ordered.

Question first recurring on the substitute motion, yeas and nays were demanded.

The substitute motion prevailed by the following vote:

Yeas—23

Aikin	Pace
Beck	Rawlings
Collie	Roberts
Cotten	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Oneal	

Nays—6

Brownlee	Redditt
Burns	Van Zandt
Davis	Woodruff

Absent

Newton

Absent—Excused

Nelson

The President laid before the Senate, on its second reading and passage to engrossment:

C. S. for S. B. No. 3, A bill to be entitled "An Act making certain appropriations for the support and maintenance of the executive departments and agencies of the State Government for the two-year period September 1, 1937-August 31, 1939, and for other purposes, and amending Senate Bill No. 138, Acts of the Forty-fifth Legislature, Regular Session, and declaring an emergency."

The bill was read second time.

Senator Pace offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill No. 3 by adding a new section to read as follows:

"There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the biennium ending August 31, 1939, for teachers retirement the sum of One Million (\$1,000,000) Dollars, or so much thereof as may be necessary.

The money appropriated herein shall be expended under and by virtue of Title 49, Chapter 1, Acts of the Forty-Fifth Legislature, Regular Session, known as Senate Bill No. 47."

PACE,
NEWTON,
HILL.

Senator Rawlings moved the previous question on the amendment and the passage of the bill to engrossment, and the motion was duly seconded.

Yeas and nays were demanded, and the Senate refused to order the main question at this time by the following vote:

Yeas—13

Beck	Roberts
Head	Shivers
Holbrook	Small
Lemens	Stone
Newton	Weinert
Oneal	Winfield
Rawlings	

Nays—17

Aikin	Neal
Brownlee	Pace
Burns	Redditt
Collie	Spears
Cotten	Sulak
Davis	Van Zandt
Hill	Westerfeld
Isbell	Woodruff
Moore	

Present—Not Voting

Nelson

Senator Rawlings raised a point of order on further consideration of the amendment, on the ground that it seeks to amend a general law by the insertion of a special provision in a general appropriation bill.

The President overruled the point of order.

Senator Aikin offered the following amendment to the amendment:

Amend Pace amendment by adding the following: "which shall be paid by levying an additional 1 per cent tax per barrel on crude oil."

Senator Davis raised a point of order against consideration of the amendment to the amendment, on the ground that it relates to the raising

of revenue and may not be included in a bill originating in the Senate.

The President sustained the point of order.

Pending further consideration of the amendment, Senator Collie occupied the chair temporarily.

(President in the Chair.)

Senator Pace offered the following amendment to the amendment:

Amend the pending amendment by adding after the words "not otherwise appropriated" the following: "according to the provisions of Title 49, Chapter 1, Acts of the Forty-fifth Legislature, Regular Session, known as Senate Bill No. 47."

Question—Shall the amendment to the amendment be adopted?

Senate Bill No. 7 on First Reading

The following bill, by unanimous consent, was introduced, read first time, and referred to the Committee on Finance:

By Senator Sulak:

S. B. No. 7, A bill to be entitled "An Act making certain appropriations for the support and maintenance of the Judiciary of the State of Texas for the period beginning on September 1, 1937, and ending August 31, 1939; requiring certain fees paid to clerks or officers of all appellate courts to be deposited monthly in the State Treasury; amending House Bill No. 838, Acts of the Forty-fifth Legislature, Regular Session, and declaring an emergency."

Senate Concurrent Resolution No. 5

Senator Newton, by unanimous consent, offered the following resolution:

S. C. R. No. 5, Authorizing the State Highway Department to lease, rent or loan certain machinery owned and used by the State for road paving purposes to the City of Cameron in Milam County, Texas.

The resolution was read, and was referred by the President to the Committee on State Affairs.

Motions to Adjourn and Recess

Senator Hill moved that the Senate recess to 2:15 o'clock p. m. today.

Senator Shivers moved that the Senate recess to 2:30 o'clock p. m. today.

Question first recurring on the motion of Senator Shivers, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—7

Hill	Sulak
Newton	Westerfeld
Shivers	Woodruff
Spears	

Nays—23

Aikin	Neal
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Small
Head	Stone
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Winfield
Moore	

Absent—Excused

Nelson

Senator Davis moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—3

Brownlee	Davis
Burns	

Nays—27

Aikin	Rawlings
Beck	Redditt
Collie	Roberts
Cotten	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Newton	Winfield
Oneal	Woodruff
Pace	

Absent—Excused

Nelson

Question recurring on the motion of Senator Hill, it was lost.

Committee Substitute for Senate Bill No. 3 on Engrossment

The Senate resumed consideration of pending business, same being C. S. for S. B. No. 3, departmental appropriation bill, on its passage to engrossment, with amendment by Senator Pace and amendment by Senator Pace to the amendment pending.

Senator Moore moved the previous question on the pending amendments and the passage of the bill to engrossment, and the motion was duly seconded.

Yeas and nays were demanded, and the vote on the motion for the previous question was announced, yeas 15, nays 15.

The President voted "nay," and the Senate refused to order the main question at this time by the following vote:

Yeas—15

Beck	Roberts
Head	Shivers
Holbrook	Small
Lemens	Spears
Moore	Stone
Neal	Weinert
Oneal	Winfield
Rawlings	

Nays—16

Mr. President	Isbell
Aikin	Newton
Brownlee	Pace
Burns	Redditt
Collie	Sulak
Cotten	Van Zandt
Davis	Westerfeld
Hill	Woodruff

Absent—Excused

Nelson

Senator Van Zandt offered the following substitute for the amendment to the amendment:

Amend by adding to the pending amendment the following: "and specifically appropriated out of the Available School Fund not specifically allocated thereto by the Constitution of the State of Texas."

Senator Aikin raised a point of order against consideration of the substitute for the amendment to the amendment, on the ground that its purpose is to make an appropriation from the Available School Fund for

a purpose not authorized by the Constitution.

Senator Moore called for an immediate ruling on the point of order, and the call was duly seconded.

The President sustained the point of order.

Senator Moore moved the previous question on the pending amendments and the passage of the bill to engrossment, and the motion was duly seconded.

Yeas and nays were demanded on the motion for the previous question, the roll was called, and the vote announced, yeas 15, nays 15.

The President voted "nay," and the Senate refused to order the main question at this time by the following vote:

Yeas—15

Beck	Roberts
Head	Shivers
Holbrook	Small
Lemens	Spears
Moore	Stone
Neal	Weinert
Oneal	Winfield
Rawlings	

Nays—16

Mr. President	Isbell
Aikin	Newton
Brownlee	Pace
Burns	Redditt
Collie	Sulak
Cotten	Van Zandt
Davis	Westerfeld
Hill	Woodruff

Absent—Excused

Nelson

Question recurring on the amendment to the amendment, yeas and nays were demanded.

The amendment to the amendment was lost by the following vote:

Yeas—11

Burns	Pace
Collie	Redditt
Cotten	Van Zandt
Hill	Westerfeld
Isbell	Woodruff
Newton	

Nays—19

Aikin	Brownlee
Beck	Davis

Head	Shivers
Holbrook	Small
Lemens	Spears
Moore	Stone
Neal	Sulak
Oneal	Weinert
Rawlings	Winfield
Roberts	

Absent—Excused

Nelson

Senator Rawlings moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—19

Aikin	Rawlings
Beck	Roberts
Brownlee	Shivers
Davis	Small
Head	Spears
Holbrook	Stone
Lemens	Sulak
Moore	Weinert
Neal	Winfield
Oneal	

Nays—11

Burns	Pace
Collie	Redditt
Cotten	Van Zandt
Hill	Westerfeld
Isbell	Woodruff
Newton	

Absent—Excused

Nelson

Senator Pace offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill No. 3 by adding a new section to read as follows:

"There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the biennium ending August 31, 1939, for dependent and destitute children the sum of One Million (\$1,000,000) Dollars, or so much thereof as may be necessary. The money appropriated herein shall be expended under and by virtue of Title 20, Chapter 1, Acts of the Forty Fifth Legislature, Regular Session, known as House Bill No. 7, creating a State Division of Public Welfare."

PACE,
NEWTON,
HILL.

Senator Rawlings moved the previous question on the amendment and

the engrossment of the bill, and the motion was duly seconded.

Yeas and nays were demanded, and the main question was ordered by the following vote:

Yeas—17

Beck	Rawlings
Davis	Roberts
Head	Shivers
Holbrook	Small
Lemens	Spears
Moore	Stone
Neal	Weinert
Newton	Winfield
Oneal	

Nays—13

Aikin	Pace
Brownlee	Redditt
Burns	Sulak
Collie	Van Zandt
Cotten	Westerfeld
Hill	Woodruff
Isbell	

Absent—Excused

Nelson

Question then first recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—14

Aikin	Newton
Burns	Pace
Collie	Redditt
Cotten	Sulak
Davis	Van Zandt
Hill	Westerfeld
Isbell	Woodruff

Nays—16

Beck	Rawlings
Brownlee	Roberts
Head	Shivers
Holbrook	Small
Lemens	Spears
Moore	Stone
Neal	Weinert
Oneal	Winfield

Absent—Excused

Nelson

Senator Newton moved to reconsider the vote by which the previous question was ordered on the amendment and the passage of the bill to engrossment.

Senator Small raised a point of order against consideration of the

motion to reconsider, on the ground that when the Senate has ordered the main question on a series of questions and a vote has been taken on one of the questions, the vote by which the main question was ordered may not be reconsidered.

The President overruled the point of order.

Yeas and nays were demanded on the motion to reconsider, and it was lost by the following vote:

Yeas—13

Brownlee	Pace
Burns	Redditt
Collie	Sulak
Cotten	Van Zandt
Hill	Westerfeld
Isbell	Woodruff
Newton	

Nays—17

Aikin	Rawlings
Beck	Roberts
Davis	Shivers
Head	Small
Holbrook	Spears
Lemens	Stone
Moore	Weinert
Neal	Winfield
Oneal	

Absent—Excused

Nelson

Question then recurring on the engrossment of the bill, yeas and nays were demanded.

The bill was passed to engrossment by the following vote:

Yeas—25

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Collie	Rawlings
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Weinert
Moore	Winfield
Neal	

Nays—5

Burns	Westerfeld
Redditt	Woodruff
Van Zandt	

Absent—Excused

Nelson

**Committee Substitute for Senate Bill
No. 3 on Third Reading**

Senator Rawlings moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. for S. B. No. 3 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Newton	Woodruff

Nays—2

Burns	Van Zandt
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Absent—Excused

Nelson

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time.

Senator Davis offered the following amendment to the bill:

Amend Senate Bill No. 3 by striking out the figures "\$270,000" under item 43, page 99, wherever it appears, and insert in lieu thereof the figures "\$54,000"; and by striking out the figures "\$125,000" under item 52, page 100, wherever it appears, and insert in lieu thereof the figures "\$36,000."

Senator Moore moved the previous question on the amendment and the passage of the bill to engrossment, and the motion was duly seconded.

Yeas and nays were demanded, and the main question was ordered by the following vote:

Yeas—18

Beck	Newton
Cotten	Rawlings
Davis	Roberts
Head	Shivers
Hill	Small
Holbrook	Spears
Lemens	Stone
Moore	Weinert
Neal	Winfield

Nays—12

Aikin	Pace
Brownlee	Redditt
Burns	Sulak
Collie	Van Zandt
Isbell	Westerfeld
Oneal	Woodruff

Absent—Excused

Nelson

Question then first recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—17

Aikin	Rawlings
Brownlee	Roberts
Collie	Shivers
Davis	Spears
Holbrook	Stone
Moore	Sulak
Neal	Weinert
Newton	Westerfeld
Pace	

Nays—13

Beck	Oneal
Burns	Redditt
Cotten	Small
Head	Van Zandt
Hill	Winfield
Isbell	Woodruff
Lemens	

Absent—Excused

Nelson

Question next recurring on the passage of the bill, yeas and nays were demanded.

The bill was passed by the following vote:

Yeas—28

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Newton	Woodruff

Nays—2

Burns	Van Zandt
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Absent—Excused

Nelson

Senator Woodruff moved to reconsider the vote by which the bill was passed.

On motion of Senator Lemens, the motion to reconsider was tabled.

Record of Vote

Senator Woodruff asked unanimous consent to be recorded as voting "nay" on the passage of the bill (C. S. for S. B. No. 3).

There was no objection offered.

Reason for Recording Vote

Mr. President: I wish to be recorded as voting nay on final passage of Senate Bill No. 3, for the reason that the inequities in distribution of salaries between the high and the low are indefensible, and I was precluded by the previous question order from correcting same by amendment.

WOODRUFF.

Bill and Resolution Signed

The President signed, in the presence of the Senate, after giving due notice thereof, the following bill and resolution:

H. B. No. 31, "An Act providing the time when mourning doves and white-winged doves may be shot in this State, fixing the bag limit and possession limit of same, fixing the hours for shooting and making regulations for shotguns that may be used for shooting migratory birds and other game birds, providing a

penalty for the violation of any such regulations; repealing all laws in conflict with any Section of this Act; providing that Sections 1, 2 and 3 of this Act shall be effective only during the year 1937; providing that on and after January 1st, 1938, it shall be the duty of the Game, Fish and Oyster Commission to make adequate investigation of the mourning dove and white-winged dove supply and upon the basis of such findings to issue proclamations permitting and regulating the taking of such birds; providing that it shall be unlawful to take any mourning dove or white-winged dove except in accordance with the regulations issued by the Game, Fish and Oyster Commission; providing a penalty for violations of this Act or for violation of any regulation issued hereunder; providing a rule for construction, and declaring an emergency."

H. C. R. No. 18, Urging President Roosevelt to call a special session of Congress for the purpose of enacting permanent farm legislation.

Adjournment

On motion of Senator Rawlings, the Senate, at 1:30 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

NINTH DAY

(Wednesday, October 13, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called, and the following Senators were present:

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Woodruff
Nelson	

Absent—Excused

Newton	Westerfeld
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A quorum was announced present.